

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**In Re:
JOSE D TEJEDA SR**

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**Case No. 16-20051-C-13
Chapter 13**

Debtor

**MOTION TO WAIVE REQUIREMENT TO FILE UNIFORM PLAN
MODIFICATION FORM AND TRUSTEE'S MOTION TO MODIFY PLAN**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

If a timely response is filed, a hearing will be held Wednesday, January 13, 2021, at 11:00 am in the U.S. Bankruptcy Court located at:

US Bankruptcy Court, 1133 N. Shoreline Blvd., 2nd Floor, Corpus Christi, TX 78401

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Cindy Boudloche, Chapter 13 Trustee, (the "Trustee"), pursuant to 11 U.S.C. § 1329, files this motion seeking an order modifying the Chapter13 Plan of the Debtor and would show the Court the following:

The Trustee moves the Court to waive requirement of Local Rule 3015-1(c) that requires the filing of a proposed modified plan using the official forms on the Court's website. The Trustee's requested modification does not require the use of a form plan as the modification seeks only to remove a creditor, change the treatment of a creditor from secured to unsecured, increase the plan payment, increase or decrease the plan base or re-distribute a creditor refund. The Trustee asserts that no party will be prejudiced by the waiver of the requirement of the rule since the proposed modification is limited to the terms set forth in the motion to modify.

1. Respondent is the Debtor in the above captioned Chapter 13 case, who may be served at the following address:

JOSE D TEJEDA SR
PO BOX 885
FALFURRIAS, TX 78355

2. The Chapter 13 Plan in the above captioned case was confirmed on September 8, 2016.

3. The Trustee files this Motion to Modify pursuant to Bankruptcy Code Section 1329(a)(3) in order to alter the confirmed plan by ceasing further payments on the following claim:

TX CHILD SUPPORT DISB (TXCSDU)

4. The Trustee would show that Court Claim No. 4 has been satisfied. The Trustee received the attached documentation from the creditor indicating that no additional payments are necessary and/or will be accepted. See attached Exhibit 1. The Trustee asserts that no additional funds are owed to TX CHILD SUPPORT DISB (TXCSDU) for such claim.

5. The Trustee requests that funds allocated in the Chapter 13 Plan, confirmed on September 8, 2016, for the above referenced claim of TX CHILD SUPPORT DISB (TXCSDU), hereafter be distributed pro-rata among remaining creditors, and after payment of all secured and priority creditors, then to the general unsecured creditors.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays for entry of an Order modifying the plan in accordance with the allegations of this Motion.

Dated: 11/20/2020

Respectfully Submitted,

/s/ Cindy Boudloche

Cindy Boudloche

Standing Chapter 13 Trustee

555 N. CARANCAHUA STE 600

CORPUS CHRISTI, TX 78401-0823

TELEPHONE (361)883-5786

FACSIMILE (361)888-4126

CERTIFICATE OF SERVICE

I do hereby certify that on or about November 20, 2020, a copy of the above and foregoing Trustee's Motion to Waive Requirement to File Uniform Plan Modification Form and Motion to Modify Plan was served electronically or by U.S. Mail to the parties noted below:

/s/ Cindy Boudloche

Cindy Boudloche
Chapter 13 Trustee

JOSE D TEJEDA SR
PO BOX 885
FALFURRIAS, TX 78355

CAVADA LAW OFFICE
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CORPUS CHRISTI, TX 78411

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TX CHILD SUPPORT DISB (TXCSDU) (Creditor)
PO BOX 659791
SAN ANTONIO, TX 78265-9791

JOE HALEY ASSISTANT ATTORNEY GENERAL (Creditor Attorney)
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Parties Requesting 2002 Notice

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